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**MAILED**

**JUN 22 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
KIGHT et al.	:	
Application No. 10/025,897	:	DECISION ON PETITION
Filed: 12/26/2001	:	
Attorney Docket No. 23952-0039	:	

This is a decision on the "PETITION UNDER TO WITHDRAW HOLDING OF ABANDONMENT," filed March 5, 2010.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Allowance and Fee(s) Due mailed October 16, 2009, which set a three (3) month statutory period for reply. In the absence of a timely reply, the application became abandoned on January 17, 2010.

Applicants request that the Office withdraw the holding of abandonment because they did not receive the Notice of Allowance and Fee(s) Due (Notice), which was returned as undeliverable by the U.S. Postal Service on October 23, 2009. In support, applicants submitted a copy of their docket records where the Notice of Allowance and Fee(s) Due would have been entered had it been received and docketed. Furthermore, the practitioner attested to the fact that a search of the records indicated that the Notice of Allowance and Fee(s) Due was not received at the correspondence address of record.

A review of the record reveals that the USPTO mailed the Notice of Allowance and Fee(s) Due to the correct correspondence address. However, the USPS inexplicably returned the Notice to the USPTO. For this reason, applicants did not receive the Notice of Allowance and Fee(s) Due of October 16, 2009. Accordingly, the petition to withdraw the holding of abandonment is **granted**. The holding of abandonment is hereby withdrawn. The application is restored to pending status.

Technology Center Art Unit 3691 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for re-mailing of the Notice of Allowance and Fee(s) Due. The three (3) month statutory time period for responding to the Notice of Allowance and Fee(s) Due will be set to run from the re-mailing date of the Notice.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Any other questions regarding the status of the application or the examination process should be directed to the Technology Center.

*C. T. Donnell*

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